

JURISDICTION:

General References:

Basis for a Speed Law Violation:

Basic Speed Rule:

Statutory Speed Limit:

Posted (Maximum) Speed Limit:

Minimum Speed Limit:

Posted (Minimum) Speed Limit:

Basis for a Speed Law Violation: (continued)

Other:

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This chapter summarizes Arizona State statutes related to speed. Arizona Revised Statutes Annotated and Arizona Administrative Code (AAC)

A person shall not drive a vehicle at a speed greater than is reasonable and prudent speed under the conditions and actual and potential hazards then existing. 28-701(A) & (D)

- I. 15 MPH approaching a school crossing¹ 28-701(B)(1)
- II. 25 MPH in business or residential district¹ 28-701(B)(2)
- III. 65 in other locations¹ 28-701(B)(3)
- VI. 65 MPH on interstate highways outside of urban areas with a population $\geq 50,000$ 28-702.04(A) See II under Posted (Maximum) Speed Limit below.

- I. Based on engineering and traffic investigations, the Director of the State Department of Transportation may alter or vary the above statutory speed limits on the State highway system.² 28-702
- II. Based on engineering and traffic investigations, the Director of the State Department of Transportation may increase the maximum speed limit on interstate highways outside of urban areas with a population $\geq 50,000$ to 75 MPH. 28-702 & 28-702.04(C)
- III. Based on engineering and traffic investigations, local governments may increase (but not >65 MPH) or decrease the speed limits on highways under their jurisdiction. 28-703
- IV. Based on an investigation, the Director of the State Department of Transportation may establish a safe maximum speed limit of any bridge or elevated structure. 28-706(B) & (C)

- I. A person shall not drive a motor vehicle at a speed which is less than that which is reasonable and prudent under the existing circumstances. 28-701(E)
- II. A person shall not drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic. 28-704(A)
- III. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. 28-721(B)

Based on engineering and traffic investigations, the Director of the State Department of Transportation or local government officials may establish a minimum speed limit on a highway. 28-704(B)

- I. A person shall not drive a vehicle that is equipped with solid rubber

exceeding this speed limit "is *prima facie* evidence that the speed is too great and therefore unreasonable." 28-701(B)

This includes the establishment of different highway speed limits either (1) for different types of vehicles (e.g., persons, who operate certain types of trucks may be required to operate these vehicles at a slower speed than those who operate other types of motor vehicles), (2) at different times of the day, (3) for various weather conditions or (4) for other factors bearing on safe speeds. 28-702 In addition, on a multiple lane highways with two or more separate roadways, different *prima facie* speed limits may be established on each roadway. 28-703.02

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tires >10 MPH. 28-706(A)

II. A person shall not drive a vehicle that is towing a trailer or semitrailer at a rate of speed that causes the trailer or semitrailer to sway laterally from the lane of traffic. 28-896

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

A Violation of the Speed Laws is a Civil (Non Criminal) Traffic Infraction 28-121(B)

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

N/A

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

Not more than **\$250**³ 28-1598

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

I. The licensing agency may require an offender to attend and successfully complete a Traffic Survival School. 28-3306 & 3307 and AAC R17-4-506 (via the point system⁴)

II. The court may allow a violator to attend defensive driving school. The civil charges shall be dismissed if the offender successfully completes the course. However, a person can only attend this course once in any 24 month period. 28-3392 & 28-3393

Other:

An offender is also subject to assessments which can be ≤60% of the fine imposed. 12-116.01 & 12-116.02

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Licensing action is via a point system.⁴

Sanctions Following an Adjudication of a Speed Law Violation:

(continued)

Licensing Action:

Type of Licensing Action

(Susp/Rev): (continued)

Special Note: On highways with posted maximum speed limits of 55 MPH, a person, who is convicted of a speeding offense where the speed

Limited Sanctions for Exceeding a Posted Speed Limit of 55 MPH. On highways with a posted maximum speed limit of 55 MPH, a person, who exceeds this limit where the speed was ≤65 MPH, is subject to a fine of not more than \$15 plus assessments which can be ≤60% of the fine imposed. A violation is not to be used to establish rate of insurance rates. This offense is "designated as the waste of finite resource currently in short supply and is considered a civil traffic violation." Note: The sanctions for a speeding offense apply, if a person exceeds a 55 MPH speed limit by >65 MPH. 12-116.01, 12-116.02 and 28-702.01(A) & (C)

Point System. A person, who accumulates 8 points within 12 months, either (1) may have their license suspended for not more than 1 year or (2) may be required to attend a traffic education and training course. The following points are assessed for speeding and speed related violations: (1) For a violation of any provision of 28-702(A); (2) for either reckless driving or racing on the highways-8 points; and, (3) for any other violation-2 points. AAC R17-4-506 (via 28-202(A)) & 28-3315(A)

was >55 MPH but ≤65 MPH, is not subject to licensing action. 28-702.01(B)

Term of License Withdrawal
(Days, Months, Years, etc.):
Mandatory Minimum Term of
Withdrawal:

Miscellaneous Sanctions
Not Included Elsewhere:

Other Criminal Actions Related to Speeding:

Racing on Highway:

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Mandatory Minimum Term:

Fine (\$ Range):

Mandatory Minimum Fine:

Administrative Licensing Action:

Licensing Authorized and
Type of Action:

Length of Term of
Licensing Withdrawal:

Mandatory Action--Minimum
Length of License
Withdrawal:

Other:

Class 2 Misdemeanor 28-708(A) & (B)

1st or subsequent offenses-Not more than **4 months** 13-707(A)(2)

1st offense-**None** 2nd or subsequent offense (within 24 months)-**10 days**⁵ 28-708(B)

1st or subsequent offenses-Not more than **\$750** 13-802(B)

None

Licensing Action is Taken by Agency Licensing via the Courts 28-708(D)

Note: Licensing action is also possible via the Point System.⁴

1st offense-**Suspension** 2nd or subsequent offense (within 24 months or within 60 months under 28-3304(A)(7))-**Revocation** 28-708(D) & 28-3304(A)(7)

1st offense-Not more than **90 days** 2nd or subsequent offense (within 24 months or within 60 months under 28-3304(A)(7))-Not more than **1 year** 28-708(D) & 28-3315(A)

1st offense-**None** 2nd or subsequent offense (within 24 months or within 60 months under 28-3304(A)(7))-**Mandatory Revocation**
However, the law does not provide for a specific revocation period.
28-708(D) & 28-3315(A)

I. The licensing agency may require an offender to attend and successfully complete a Traffic Survival School. 28-3306 & 3307 and AAC R17-4-506 (via the point system⁴)

Other Criminal Actions Related to Speeding:
(continued)

Racing on Highway: (continued)

Other: (continued)

II. An offender is also subject to assessments which can be ≤60% of the fine imposed. 12-116.01 & 12-116.02

An offender may be allowed to leave the incarceration facility for either employment or educational purposes. 28-708(C)

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Reckless Driving:	Class 1 or Class 2 Misdemeanor 28-693(A), (B) & (D)
Sanction:	
Criminal:	
Imprisonment (Term):	<u>1st offense</u> -Class 2 Misdemeanor-Not more than 4 months <u>2nd or subsequent offense</u> (within 24 months)-Class 1 Misdemeanor-Not more than 6 months 13-707(A)(1) & (2)
Mandatory Minimum Term of Imprisonment:	<u>1st offense</u> -Class 2 Misdemeanor- None <u>2nd or subsequent offense</u> (within 24 months)-Class 1 Misdemeanor- 20 days ⁵ 28-693(D)(2)
Fine (\$ Range):	<u>1st offense</u> -Class 2 Misdemeanor-Not more than \$750 <u>2nd or subsequent offense</u> (within 24 months)-Class 1 Misdemeanor-Not more than \$2,500 13-802(A) & (B)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	Licensing Action is Taken by Agency Licensing via the Courts 28-693(C) & (D) Note: Licensing action is also possible via the Point System. ⁴
Type of Licensing Action (Susp/Rev):	<u>1st offense</u> - Suspension <u>2nd or subsequent offense</u> (within 24 months or within 60 months under 28-3304(A)(7))- Revocation 28-693(C), & (D) and 28-3304(A)(7)
Length of Term of License Withdrawal Action:	<u>1st offense</u> -Not more than 90 days <u>2nd or subsequent offense</u> (within 24 months or within 60 months under 28-3304(A)(7))-Not more than 1 year 28-693(B) & 28-3315(A)
Mandatory Term of License Withdrawal Action:	<u>1st offense</u> - None <u>2nd or subsequent offense</u> (within 24 months or within 60 months under 28-3304(A)(7))- Mandatory Revocation However, the law does not provide for a specific revocation period. 28-3315(A) & 28-693(D)(4)
Other:	I. The licensing agency may require an offender to attend and successfully complete a Traffic Survival School. 28-3306 & 3307 and AAC R17-4-506 (via the point system) ⁴ II. An offender is also subject to assessments which can be ≤60% of the fine imposed. 12-116.01 & 12-116.02 III. An offender may be required to pay the costs of their incarceration. 28-694(A)
<u>Excessive Speed</u> ⁶ :	Class 3 Misdemeanor 28-701.02(A) & (B)
<u>Other Criminal Actions Related to Speeding:</u> (continued)	
<u>Excessive Speed:</u> (continued)	
Sanction:	
Criminal:	
Imprisonment (Term):	Not more than 30 days 13-707(A)(3)
Mandatory Minimum Term of Imprisonment:	None

Excessive speed is defined as driving either (1) >35 MPH approaching a school crossing, (2) >20 MPH above a posted speed limit (>45 MPH if there is no posted speed limit) in either business or residential district or >80 MPH in other locations. 28-701.02(A)

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Fine (\$ Range):	Not more than \$500 13-802(C)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Licensing action is via a point system. ⁴
Length of Term of License	
Withdrawal Action:	
Mandatory Term of License	
Withdrawal Action:	
Other:	<p>I. The licensing agency may require an offender to attend and successfully complete a Traffic Survival School. 28-3306 & 3307 and AAC R17-4-506 (via the point system⁴)</p> <p>II. The court may allow a violator to attend defensive driving school. The criminal charges shall be dismissed if the offender successfully completes the course. However, a person can only attend this course once in any 24 month period. 28-3392 & 28-3393</p> <p>III. An offender is also subject to assessments which can be ≤60% of the fine imposed. 12-116.01 & 12-116.02</p>
<u>Aggressive Driving</u> ⁷ :	Class 1 Misdemeanor 28-695(A), (B) & (D)(1)
Sanction:	
Criminal:	
Imprisonment (Term):	Not more than 6 months 13-707(A)(1)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	Not more than \$2,500 13-802(A)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	A person may also be subject to a 2 point assessment under the Point System. ⁴ AAC R-17-4-506
Type of Licensing Action (Susp/Rev):	<u>1st offense-Suspension</u> <u>2nd or subsequent offense</u> (within 24 months)- Revocation 28-695(C)(2) & (D)(2)
<u>Other Criminal Actions Related to Speeding:</u> (continued)	
<u>Aggressive Driving:</u> (continued)	
Length of Term of License	
Withdrawal Action:	<u>1st offense-30 days</u> <u>2nd or subsequent offense</u> (within 24 months)- 1 year 28-695(C)(2) & (D)(2)
Mandatory Term of License	
Withdrawal Action:	<u>1st offense-None</u> <u>2nd or subsequent offense</u> (within 24 months)- 1 year 28-695(C)(2) & (D)(2)

A person commits "Aggressive Driving" if **both** of the following occur: (1) If during a course of conduct, they violate either the Basic Speed Rule (28-701(A) or Aggressive Speed law (28-701.02) plus two of the following minor driving offenses: (a) Failure to obey traffic control devices; (b) overtaking and passing another vehicle by driving off the pavement or main traveled portion of the roadway; (c) unsafe lane change; (d) following a vehicle too closely; and, (e) failure to yield the right of way; and, (2) their driving is an immediate hazard to another person or vehicle. Course of conduct means a series of acts committed during a single, continuous period. 28-695(A) & (F)

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Other:

I. 1st offenders must attend and successfully complete approved Traffic Survival School training and education sessions that are designed to improve the safety and habits of drivers.... 28-695(C)(1) & 28-3307

II. An offender is also subject to assessments which can be ≤60% of the fine imposed. 12-116.01 & 12-116.02

III. An offender may be required to pay the costs of their incarceration. 28-694(A)

Commercial Motor Vehicle (CMV) Operators⁸:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"⁹ within a 3 year period or (2) commit 3 such violations within a 3 year period. 28-3312(A)(5) & (6)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 consecutive days** 3 serious violations (within 3 years)-Not less than **120 consecutive days** 28-3312(A)(5) & (6)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 consecutive days** 3 serious violations (within 3 years)-**120 consecutive days** 28-3312(A)(5) & (6)

⁸ A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle used to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is a school bus, bus, or is transporting hazardous materials which require the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. 28-3001(3)

⁹ A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH, reckless driving, aggressive driving or racing on the highway. 28-3312(E)